

ORDINANCE NO. 09-18

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA APPROVING AND ADOPTING THE CITY OF HIALEAH 20-YEAR WATER SUPPLY FACILITIES WORK PLAN AND RELATED TEXT AMENDMENTS TO THE FUTURE LAND USE, CONSERVATION, INTERGOVERNMENTAL COORDINATION AND CAPITAL IMPROVEMENT ELEMENTS OF THE HIALEAH, FLA., COMPREHENSIVE PLAN 2003-2015; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board on September 24, 2008 recommended the adoption of the City of Hialeah 20-Year Water Supply Facilities Work Plan, subject to final approval by the Florida Department of Community Affairs ("Department"); and

**WHEREAS**, the City Council established its intent to adopt the City of Hialeah 20-Year Water Supply Facilities Work Plan and related text amendments to the Hialeah, Fla., Comprehensive Plan 2003-2015, adopting the recommendation of the Planning and Zoning Board, through Hialeah, Fla., Resolution 08-142 (October 18, 2008) that was submitted to the Department for approval; and

**WHEREAS**, the South Florida Regional Planning Council reviewed the 20-Year Water Supply Facilities Work Plan and related text amendments to the Hialeah, Fla., Comprehensive Plan 2003-2015 and made a determination of consistency with the Regional Plan of South Florida on December 15, 2008, a copy of the amendment review is on file in the Office of the City Clerk; and

**WHEREAS**, the Department reviewed the proposed amendments for consistency with the Hialeah, Fla., Comprehensive Plan, Chapter 163, Part II, Florida Statutes, and Rule 9J-5, Florida Administrative Code, and issued its Objections, Recommendations and Comments (ORC) Report on January 13, 2009; and

**WHEREAS**, the City modified its 20-Year Water Supply Facilities Work Plan and related text amendments based on comments received in the ORC report.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The Mayor and the City Council of the City of Hialeah, Florida hereby approves and adopts the City of Hialeah 20-Year Water Supply Facilities Work Plan ("Plan") and hereby amend the text of the Future Land Use, Conservation, Intergovernmental Coordination and Capital Improvement Elements of the Hialeah, Fla., Comprehensive Plan 2003-2015. The Plan and the foregoing text amendments to the Hialeah, Fla., Comprehensive Plan 2003-2015, which is made a part hereof for all purposes, shall be on file in the Office of the City Clerk.

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.**

Any person, business, association, corporation, partnership or other legal entity who violates any of the provisions of this ordinance shall receive a civil penalty, up to a maximum of \$500.00, within the discretion of the court or administrative tribunal having jurisdiction. Each day that a violation continues shall constitute a separate violation.

**Section 4: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 5: Effective Date.**

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the

amendment in compliance in accordance with section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits or land uses dependent on this amendment may be issued or commenced before it has become effective. If the Administration Commission issues an order of noncompliance, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

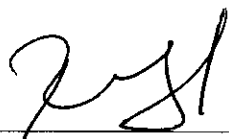
PASSED and ADOPTED this 24th day of February, 2009.

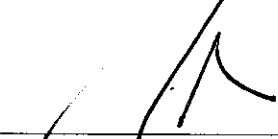
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Carlos Hernandez  
Council President

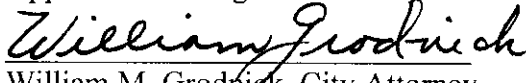
Attest:

Approved on this 25 day of February, 2009.

  
Rafael E. Granado, City Clerk

  
Mayor Julio Robaina

Approved as to legal sufficiency and form:

  
William M. Grodnick, City Attorney

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Ordinance was adopted by a 6-0 vote with Councilmembers, Casals-Muñoz, Cue, Gonzalez, Hernandez, Garcia-Martinez, and Yedra voting "Yes" and Councilmember Caragol absent.